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9 May 1994

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Forty-eighth session
Agenda item 36

LAW OF THE SEA

Letter dated 3 May 1994 from the Permanent Representative of Thailand to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement of the Ministry for Foreign Affairs of the Kingdom of Thailand regarding the position of the Royal Thai Government on the forfeiture of foreign fishing vessels and the imprisonment of foreign fishermen on the offence of violating fisheries laws and regulations in the exclusive economic zones.

I should be grateful if you would have the text of the present letter and its annex distributed as a document of the forty-eighth session of the General Assembly under agenda item 36.

(Signed) Nitya PIBULSONGGRAM
Ambassador
Permanent Representative

ANNEX

Statement of the Ministry for Foreign Affairs of Thailand

It has come to the attention of the Ministry of Foreign Affairs that a number of States have enacted laws and regulations, the de jure and/or de facto effect of which is to forfeit fishing vessels and/or to imprison foreign fishermen arrested on the offence of violating fisheries laws and regulations in their respective exclusive economic zones. The Ministry of Foreign Affairs wishes to make known the position of the Royal Thai Government on this matter as follows:

1. Such forfeiture and imprisonment are clearly in breach, both in letter and spirit, of article 73, paragraphs 2 and 3, of the United Nations Convention on the Law of the Sea of 1982, which all the States concerned do have the obligation to observe in good faith, either as signatories to or ratifiers of the Convention, especially in view of the Convention's impending entry into force as from 16 November 1994;

2. The Royal Thai Government thus feels duty-bound to register through the Secretary-General, in the latter's capacity as the depositary of the United Nations Convention on the Law of the Sea of 1982, a strong protest against such forfeiture and imprisonment. It is fervently hoped that these States will soon rectify their laws and regulations so as to be compatible with the obligations assumed by them under the Convention.

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Forty-eighth session
Agenda item 54
QUESTION OF CYPRUS

SECURITY COUNCIL
Forty-ninth year

Letter dated 9 May 1994 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to new violations of the airspace of the Republic of Cyprus by the military Air Force of Turkey, which occurred on 4 May 1994 and were recorded as follows:

1. From 1026 hours until 1102 hours, two Turkish Air Force F-4 fighters intruded into the flight information region of Nicosia and executed mock assaults and targeting in the area of Kythrea.

2. From 1123 hours until 1153 hours, two Turkish Air Force F-4 fighters intruded into the flight information region of Nicosia and executed mock assaults and targeting in the area of Kythrea.

3. From 1447 hours until 1514 hours, two Turkish Air Force fighters, type unknown, coming from the direction of Antalya Bay, Turkey, violated Cypriot airspace intruding from Cape Akamas and overflying along the southern coast from Paphos to Akrotiri Bay, Limassol, Larnaca, Cape Greco and Famagusta, and headed back to Turkey.

4. From 1544 hours until 1720 hours, eleven Turkish Air Force fighters, type unknown, in military formations, executed military manoeuvres in the flight information region of Nicosia.

On behalf of the Government of the Republic of Cyprus, I wish to protest these new violations of the airspace of the Republic, and, once again, to point out that these repeated aggressive actions violate the sovereignty, independence and territorial integrity of the Republic of Cyprus and are contrary to the Charter of the United Nations as well as the resolutions of the General Assembly and of the Security Council on the question of Cyprus.

I should be grateful if this letter were circulated as a document of the forty-eighth session of the General Assembly, under agenda item 54, and of the Security Council.

(Signed) Alecos SHAMBOS
Ambassador
Permanent Representative
of the Republic of Cyprus
to the United Nations

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11 May 1994

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Agenda item 123

PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

Conditions of service and compensation for officials other than Secretariat officials

Members of the International Court of Justice

Report of the Fifth Committee

Rapporteur: Mr. Mahbub KABIR (Bangladesh)

I. INTRODUCTION

1. The Fifth Committee considered the item at its 64th and 65th meetings, on 4 and 9 May 1994, respectively. Observations and comments made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/48/SR.64 and 65).

2. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General (A/C.5/48/66);

(b) Report of the Advisory Committee on Administrative and Budgetary Questions (A/48/7/Add.6).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/48/L.64/Rev.1

3. At the 65th meeting, on 9 May 1994, the representative of Portugal, in her capacity as Vice-Chairman, introduced a draft resolution entitled "Emoluments, pension scheme and conditions of service for the members of the International Court of Justice" (A/C.5/48/L.64/Rev.1), which had been submitted on the basis of informal consultations.

4. At the same meeting, the Committee adopted draft resolution A/C.5/48/L.64/Rev.1 without a vote (see para. 5).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

5. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Emoluments, pension scheme and conditions of service for the members of the International Court of Justice

A

Emoluments

The General Assembly,

Recalling section A of its resolution 45/250 of 21 December 1990 on the emoluments of the members of the International Court of Justice,

Having considered the report of the Secretary-General 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

1. Endorses the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions subject to the provisions of the present resolution;

2. Decides that, with effect from 1 January 1994, the annual salary of the members of the International Court of Justice shall remain at 145,000 United States dollars;

3. Decides also that, with effect from 1 January 1994, the ad hoc judges referred to in Article 31 of the Statute of the International Court of Justice shall continue to receive for each day they exercise their functions one three-hundred-and-sixty-fifth of the annual salary payable at the time to a member of the Court;

4. Decides further to continue, with effect from 1 January 1994, the system of floor/ceiling measures introduced pursuant to section VI of General Assembly resolution 43/217 of 21 December 1980 and resolution 45/250, in accordance with the recommendations contained in paragraph 5 of the report of the Advisory Committee; 2/

1/ A/C.5/48/66.

2/ A/48/7/Add.6.

5. Decides that, with effect from 1 January 1994, the President's special allowance shall remain at 15,000 dollars per year and that the special daily allowance paid to the Vice-President when acting as President shall be 94 dollars per day, up to a maximum of 9,400 dollars per year;

6. Decides also that the emoluments and other conditions of service for the members of the International Court of Justice shall next be reviewed at its fiftieth session in the light of the recommendations contained in the report of the Secretary-General;

7. Decides further that the periodicity of review shall be determined at the fiftieth session.

B

Pension scheme

The General Assembly,

Recalling its resolutions 1562 (XV) of 18 December 1960, 1925 (XVIII) of 11 December 1963, 2367 (XXII) of 19 December 1967, 2890 A (XXVI) of 22 December 1971, 3193 A (XXVIII) of 18 December 1973, 3537 A (XXX) of 17 December 1975, 38/239 of 20 December 1983, 40/257 B of 18 December 1985 and 45/250 of 21 December 1990, on the pension scheme for the members of the International Court of Justice,

Having considered the report of the Secretary-General 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

1. Invites the Secretary-General to undertake a study of the pension scheme of the members of the International Court of Justice and to report thereon to the General Assembly at its forty-ninth session;

2. Requests the Secretary-General to redraft the Pension Scheme Regulations for members of the International Court of Justice reflecting the decisions taken by the General Assembly in its resolution 45/250, so as to reflect gender neutrality.

C

Conditions of service

The General Assembly,

Recalling section XIV of its resolutions 37/237 of 21 December 1982, section XVII of its resolution 38/234 of 20 December 1983, section V of its resolution 39/236 of 18 December 1984 on conditions of service and compensation for officials other than Secretariat officials, as well as its resolutions 40/257 C of 18 December 1985, 43/226 of 21 December 1988, 45/250 C of 21 December 1990 and section IV of its resolution 47/216 of 23 December 1992,

Having considered the report of the Secretary-General 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

1. Decides that, with effect from 1 January 1994, the President and the members of the International Court of Justice who have taken up residence at The Hague shall be reimbursed, up to a ceiling of 9,750 United States dollars, for the actual cost of educating their children in respect of each child each year up to the award of the first recognized degree and that provision shall be made for one related return journey per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague;

2. Also decides that, with effect from 1 January 1994, the President and the members of the International Court of Justice who have taken up residence at The Hague shall be reimbursed, up to a ceiling of 13,000 dollars, for the actual cost of educating their disabled children in respect of each child each year up to the award of the first recognized degree and that provision shall be made for one related return journey per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague.

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PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

Conditions of service and compensation for officials other than Secretariat officials

Members of the International Court of Justice

Report of the Fifth Committee

Rapporteur: Mr. Mahbub KABIR (Bangladesh)

Corrigendum

Page 2, paragraph 5

Paragraph 4 of draft resolution A should read

4. Decides further to continue, with effect from 1 January 1994, the system of floor/ceiling measures introduced pursuant to section VI of General Assembly resolution 43/217 of 21 December 1988 and resolution 45/250, in accordance with the recommendations contained in paragraph 5 of the report of the Advisory Committee; 2/

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Forty-eighth session
Agenda item 54
QUESTION OF CYPRUS

SECURITY COUNCIL
Forty-ninth year

Letter dated 11 May 1994 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 10 May 1994 addressed to you by H.E. Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of that letter and its annex, which contains a letter dated 4 May 1994 sent to you by Mrs. Gülten O. Feridun, Vice-President of the Turkish Cypriot Women's Association, could be circulated as a document of the General Assembly, under agenda item 54, and of the Security Council.

(Signed) İnal BATU
Ambassador
Permanent Representative

Annex

Letter dated 10 May 1994 from Mr. Osman Ertuğ

I have the honour to enclose herewith copy of a letter dated 4 May 1994, addressed to you by Mrs. Gülten Feridun, Vice-President of the Turkish Cypriot Women's Association, which is in response to a previous letter dated 8 April 1994 addressed to you by the Greek Cypriot representative (A/48/924-S/1994/413).

I would be grateful if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 54, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

Appendix

I would like to refer to the "message of struggle" issued by Greek Cypriot women, which has been circulated as document A/48/924-S/1994/413 dated 11 April 1994 by the Greek Cypriot delegation to the United Nations, and to respond to some of the allegations contained in that message, with a view to putting the record straight.

It is not totally surprising that the Greek Cypriot side has seized the occasion of International Women's Day to repeat the well-known accusations against the Turkish Cypriots and Turkey, as it has been part and parcel of Greek Cypriot policy for decades to conduct a merciless vilification campaign against the Turkish Republic of Northern Cyprus in all international forums. This incessant campaign has not only been an attempt to misrepresent the historical facts behind the Cyprus dispute, but has also demonstrated the inherent hostility of the Greek Cypriots towards the Turkish Cypriot people and their utter disregard for the legitimate rights and aspirations of the Turkish Cypriots.

The message issued by Greek Cypriot women is replete with false accusations regarding "occupation", "violation of human rights", "oppression of the enclaved", etc. An appeal is also included in the message for securing the "withdrawal of Turkish troops" from the island.

As it is well known, on 15 July 1974, a coup d'etat was staged by Greece and its collaborators in Cyprus in order to annex the island to Greece and eliminate the Turkish Cypriot people in Cyprus. In the face of this imminent danger, Turkey intervened militarily on 20 July 1974 in accordance with its rights and obligations set out by the 1960 Treaty of Guarantee with a view to protecting the Turkish Cypriots and averting the annexation of the island by Greece. The 1974 peace operation by Turkey saved the island from being colonized by Greece and liberated Turkish Cypriots from Greek Cypriot terror and inhuman treatment which continued for 11 years, between 1963 and 1974.

The issues of refugees and missing persons has also been the subject of exploitation for propaganda purposes. There is, of course, no mention of the 1963-1974 period when hundreds of Turkish Cypriots were killed by the Greek Cypriot paramilitaries and a quarter of the Turkish Cypriot population (some 30,000 people) was rendered homeless. Hundreds more were abducted or subjected to enforced disappearance, never to be seen or heard of again. Until 1974, even the basic human rights and freedoms of the Turkish Cypriots were violated by the Greek Cypriot administration. Severe restrictions were imposed on the Turkish Cypriot enclaves. As for the question of missing persons, I need not remind you that the short-lived coup of 1974 engineered by Greece took the lives of thousands of Greek Cypriots as a result of the fighting between opposing factions. It has been estimated that over 5,000 Greek Cypriots were killed, not during the Turkish intervention, but during the coup itself. As it will be clearly observed from the following extracts taken from the statement of the then Greek Cypriot leader Archbishop Makarios before the Security Council on 19 July 1974, just one day before the 1974 Turkish peace operation, the death

toll was very high and both the Greek Cypriots and Turkish Cypriots suffered from the coup:

> "I do not know as yet all the details of the Cyprus crisis caused by the Greek military regime. I am afraid that the number of casualties is large and that the material destruction is heavy ... It is clearly an invasion from outside ... The so-called coup was the work of the Greek officers staffing and commanding the National Guard ... The Turks of Cyprus are also affected. The coup of the Greek junta is an invasion, and from its consequences the whole people of Cyprus suffers, both Greeks and Turks ..." (S/PV.1780)

The allegation that the Greek Cypriot residents in Northern Cyprus were forced to leave their homes and lands is totally unfounded. While it is true that many Turkish Cypriots, as well as Greek Cypriots, were displaced as a result of the Greek Cypriot coup and its aftermath, out of fear, as is well known, it is also equally true that the question of displaced persons was settled by the agreement on exchange of populations between the two sides in 1975, where the two sides agreed on a voluntary regrouping of populations in their own respective territory.

Furthermore, the allegation that the so-called "enclaved" Greek Cypriots in the North are living under "oppressive conditions" is ludicrous. Greek Cypriots living the Karpaz region of Northern Cyprus fully enjoy human rights and have unhindered access to medical, educational and religious services. The United Nations Peace-keeping Force in Cyprus (UNFICYP) continuously discharges its humanitarian functions for these people and, if there is a request for permanent transfer to the South, they verify that their transfer to the South is voluntary.

That the living conditions of the Greek Cypriots in the North are in no way different than that of the Turkish Cypriots is testified to in the relevant reports of the Secretary-General.

The Turkish Cypriot women support a just and permanent solution in Cyprus, based on the political equality of the two peoples, to be mutually negotiated between the representatives of the two peoples. We believe that, if the Greek Cypriot side is also ready for such a settlement, it should then take steps that demonstrate willingness on its part.

For the sake of rapprochement between the two peoples and an early political settlement in this island, the Turkish Cypriot Women's Association would like to appeal once again to you to urge the Greek Cypriot side to discontinue its vilification campaign against the Turkish Republic of Northern Cyprus in all international forums.

(Signed) Gülten O. FERIDUN
Vice-President of the Turkish
Cypriot Women's Association